

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GO GLOBAL RETAIL LLC,

Plaintiff,

1:23-cv-07987 (AS)

-against-

DREAM ON ME INDUSTRIES, INC.,
and DREAM ON ME, INC.

Defendants.

**DECLARATION OF MOISH E. PELTZ IN SUPPORT OF PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT**

Moish E. Peltz, Esq., certifies as follows:

1. I am an attorney admitted to practice before the Courts of the State of New York and the Southern District of New York, and a Partner at Falcon Rappaport & Berkman LLP, attorneys for the Plaintiff Go Global Retail LLC (“Plaintiff” or “Go Global”).

2. I respectfully submit this declaration in support of Plaintiff’s Motion for Summary Judgment.

3. All exhibits attached are true and accurate copies of originals.

4. In support of Plaintiff’s Motion for Summary Judgment, attached hereto as **Exhibit 1** is a true and correct copy of the deposition transcript of Jeffrey Streader, dated September 30, 2024.

5. In support of Plaintiff’s Motion for Summary Judgment, attached hereto as **Exhibit 2** is a true and correct copy of the deposition transcript of Christian Feuer, dated October 7, 2024.

6. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 3** is a true and correct copy of the deposition transcript of Deborah Gargiulo, dated October 18, 2024.

7. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 4** is a true and correct copy of the deposition transcript of Yuen Chau, dated October 16, 2024.

8. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 5** is a true and correct copy of the deposition transcript of Mark Srour, dated October 1, 2024.

9. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 6** is a true and correct copy of the deposition transcript of Avish Dahiya, dated October 2, 2024.

10. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 7** is a true and correct copy of the deposition transcript of Milan Gandhi, dated October 17, 2024.

11. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 8** is a true and correct copy of the deposition transcript of Amit Malhotra, dated October 24, 2024.

12. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 9** is a true and correct copy of the deposition transcript of Kathleen Lauster, dated October 10, 2024.

13. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 10** is a true and correct copy of an Order of the Honorable Vincent F. Papalia, dated July

11, 2023, (i) Approving the Sale of the Acquired Assets Free and Clear of All Liens, Claims, and Encumbrances (ii) Authorizing the Debtor to enter into and Perform their Obligations Under the Asset Purchase Agreement, and (iii) Granting related relief.

14. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 11** is a true and correct copy of a Notice of (i) Initial Winning Bidder and Backup Bidder with Respect to the June 28, 2023 Auction for Baby IP Assets and (ii) Amendment of Certain Dates and Deadlines Related to the Debtor's Bidding Procedures, filed on June 29, 2023 in the United States Bankruptcy Court, District of New Jersey, Case No. 23-13359 (VFP).

15. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 12** is a true and correct copy of an email from Jeffrey Streader to Jason Wooten, et al., dated April 27, 2023, regarding a meeting between Bed Bath & Beyond and Go Global, bearing bates number GG-0013660.

16. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 13** is a true and correct copy of Go Global's Financial Model, bearing bates number DOM0000075.

17. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 14** is a true and correct copy of an email chain between Mark Srour, Charles DOM, Avish Dahiya, and Milan Gandhi, dated June 14, 2023, discussing the Buy Buy Baby investment, bearing bates number DOM0002943.

18. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 15** is a true and correct copy of Plaintiff's Expert Report, dated November 15, 2024.

19. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 16** is a true and correct copy of an email from Milan Gandhi to Christian Feuer, Mark

Srour, and Avish Dahiya, discussing an introductory meeting between Go Global and DOM, dated June 10, 2023, bearing bates number DOM0010726.

20. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 17** is a true and correct copy of an email from Abhishek Pathania to Avish Dahiya, Mark Srour, Milan Gandhi, Kathleen Lauster, Matthew Lapis, and Christian Feuer, regarding the Go Global NDA, dated June 10, 2023, bearing bates number GG-0009434.

21. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 18** is a true and correct copy of the June 10, 2023, non-disclosure agreement ("NDA") signed by DOM and Go Global, bearing bates number GG-0008791.

22. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 19** is a true and correct copy of an email from Kathleen Lauster to Matthew Lapis, Milan Gandhi, Mark Srour, Avish Dahiya, Christian Feuer, and Abhishek Pathania, regarding data room access, dated June 10, 2023, bearing bates number GG-0009422.

23. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 20** is a true and correct copy of an email from Christian Feuer to Kathleen Lauster, Jeffrey Streader, Deborah Gargiulo, Yuen Chau, Matthew Lapis, Abhishek Pathania, Chris Schreiber, Thoryn Stephens, and Jeffrey Berkman, regarding DOM's bankruptcy bid, dated June 14, 2023, bearing bates number GG-0013000.

24. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 21** is a true and correct copy of the June 15 Meeting Transcript between Go Global and DOM.

25. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 22** is a true and correct copy of DOM's WhatsApp conversation, dated June 9, 2023 through August 29, 2023, bearing bates number DOM0010092.

26. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 23** is a true and correct copy of an email from Mark Srour to Michael Tennyson and Gary Mason, regarding Go Global – BBB Investment, dated June 14, 2023, bearing bates number DOM0002969.

27. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 24** is a true and correct copy of an email from Mark Srour to Michael Tennyson and Gary Mason, attaching Go Global's LRP Model, dated June 14, 2023, bearing bates number DOM0002995.

28. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 25** is a true and correct copy of an email from Scott Englander to Mark Srour, regarding Go Global – BBB Investment, dated June 15, 2023, bearing bates number DOM0003028.

29. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 26** is a true and correct copy of an email from Avish Dahiya to Mark Srour and Milan Gandhi, regarding BBB Go Forward Plan, dated June 19, 2023, bearing bates number DOM0010953.

30. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 27** is a true and correct copy of an email from Amit Malhotra to Mark Srour and Avish Dahiya, regarding and attaching DOM's buybuyBaby Launch and Integrated Tech Plan & Budget Outlay, dated August 1, 2023, bearing bates number DOM0018444.

31. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 28** is a true and correct copy of DOM's Technology Roadmap, bearing bates number DOM0018445.

32. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 29** is a true and correct copy of an email from Thoryn Stephens to Amit Malhotra, regarding DOM's technology questions, dated June 15, 2023, bearing bates number DOM0003098.

33. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 30** is a true and correct copy of an email from Amit Malhotra to Christian Feuer, Milan Gandhi, Avish Dahiya, et al., re: answers to DOM's technology questions, dated June 12, 2023, bearing bates number GG-0008935.

34. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 31** is a true and correct copy of an email from Avish Dahiya to Milan Gandhi and Mark Srour, regarding Buy Buy Baby Cash Flow Model, dated June 23, 2023, bearing bates number DOM0011714.

35. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 32** is a true and correct copy of an email from Andrew Axelrod to Jeffrey Streader, regarding Go Global – Project Butterfly, dated June 26, 2023, bearing bates number GG-0034333.

36. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 33** is a true and correct copy of an email from Jeffrey Streader to Andrew Axelrod, et al., regarding Go Global – Baby – 9 Lives, dated June 26, 2023, bearing bates number GG-0034330.

37. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 34** is a true and correct copy of the June 16, 2023 Go Global draft bid, bearing bates number GG-0008707.

38. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 35** is a true and correct copy of an email from Ian Winters to Effie Belhassen, Jacob Sod, Mark Srour, Gregory Preis, Avish Dahiya, Milan Gandhi, Stephanie Sweeney, and Brendan Scott, regarding DOM's Baby IP bid, dated June 28, 2023, bearing bates number DOM0014033.

39. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 36** is a true and correct copy of an email from Thoryn Stephens to Jeffrey Streader, Mo Beig, et al., regarding Baby update, dated June 29, 2023, bearing bates number GG-0048828.

40. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 37** is a true and correct copy of the Order Authorizing the Debtors to (I) Designate Overstock.com, Inc. as the Stalking Horse Bidder and (II) Enter into the Stalking Horse Agreement, filed on June 21, 2023 in the United States Bankruptcy Court, District of New Jersey, Case No. 23-13359 (VFP).

41. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 38** is a true and correct copy of a demand letter from Go Global addressed to Dream on Me, Inc., dated July 18, 2023, bearing bates number GG-0012966.

42. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 39** is a true and correct copy of an email from Jeffery Streader to Jason Wooten, dated April 6, 2023, regarding Bed Bath & Beyond's bankruptcy, bearing bates number GG-0033172.

43. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 40** is a true and correct copy of an email Jeffrey Streader to Yuen Chau re: Project Butterfly VDR access, dated March 19, 2023, bearing bates number GG-0012965.

44. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 41** is a true and correct copy of the Affidavit of Jeffrey Streader, dated December 20, 2024.

45. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 42** is a true and correct copy of a news article published on CNN.com titled "BuyBuy Baby is Closing All of its Stores – Again," dated October 21, 2024.

46. In support of Plaintiff's Motion for Summary Judgment, attached hereto as **Exhibit 43** is a true and correct copy of the Defendants' Answer (ECF 43) filed in response to Plaintiff's Amended Complaint, dated May 10, 2024.

Dated: Rockville Centre, New York
December 20, 2024

FALCON RAPPAPORT & BERKMAN LLP

By: /s/ Moish E. Peltz

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